

7. Act as agent for the collection and payment of employment taxes imposed by chapter 21 of the Internal Revenue Code of 1954, as amended; and, as such agent, make all determinations and certifications required or provided for under section 3122 of the Internal Revenue Code of 1954, as amended, and section 205(p) (1) and (2) of the Social Security Act, as amended (42 U.S.C. 405(p) (1) and (2)) and with respect to DNA employees.

8. Authorize and approve:

a. Temporary duty travel for military personnel assigned or detailed to the DNA in accordance with Volume I, Joint Federal Travel Regulations.

b. Travel for DNA civilian officers and employees in accordance with Volume II, Joint Travel Regulations.

c. Invitational travel to non-DoD employees whose consultative, advisory, or other highly specialized technical services are required in a capacity that is directly related to, or in connection with, DNA activities, in accordance with Volume II, Joint Travel Regulations.

d. Overtime work for DNA civilian employees in accordance with 5 U.S.C. chapter 55, subpart V, and applicable OPM regulations.

9. Approve the expenditure of funds available for travel by military personnel assigned or detailed to the DNA for expenses incident to attendance at meetings of technical, scientific, professional, or other similar organizations in such instances where the approval of the Secretary of Defense, or designee, is required by 37 U.S.C. 412, and 5 U.S.C. 4110 and 4111. This authority cannot be redelegated.

10. Develop, establish, and maintain an active and continuing Records Management Program pursuant to 44 U.S.C. 3102 and DoD Directive 5015.2⁴, "Records Management Program," September 17, 1980.

11. Establish and use imprest funds for making small purchases of material and services, other than personal services, for the DNA, when it is determined more advantageous and consistent with the best interests of the Government, in accordance with DoD Directive 7360.10⁵, "Disbursing Policies," January 17, 1989.

12. Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals as required for the effective administration and operation of DNA consistent with 44 U.S.C. 3702.

13. Establish and maintain appropriate property accounts for DNA, and appoint Boards of Survey, approve reports of survey, relieve personal liability, and drop account-

ability for DNA property contained in the authorized property accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

14. Promulgate the necessary security regulations for the protection of property and places under the jurisdiction of the Director, DNA, pursuant to DoD Directive 5200.8⁶, "Security of Military Installations and Resources," July 29, 1980.

15. Establish and maintain, for the functions assigned, an appropriate publications system for the promulgation of common supply and service regulations, instructions, and reference documents and changes thereto, pursuant to the policies and procedures prescribed in DoD 5025.1-M⁷, "DoD Directives System Procedures," December 1990.

16. Enter into support and service agreements with the Military Departments, other DoD Components, or other Federal Agencies, as required for the effective performance of DNA functions and responsibilities.

17. Enter into and administer contracts, directly or through a Military Department, a DoD contract administration services component, or other Federal Agency, as appropriate, for supplies, equipment, and services required to accomplish the mission of the DNA. To the extent that any law or Executive order specifically limits the exercise of such authority to persons at the Secretarial level of the Military Department, such authority shall be exercised by the appropriate Under Secretary or Assistant Secretary of Defense.

18. Lease property under the control of DNA under terms that will promote the national defense or that will be in the public interest, pursuant to 10 U.S.C. 2667.

The Director, DNA, may redelegate these authorities, as appropriate, and in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation.

PART 382—UNDER SECRETARY OF DEFENSE (ACQUISITION)

Sec.

382.1 Purpose.

382.2 Definitions.

382.3 Responsibilities.

382.4 Functions.

382.5 Authorities and relationships.

APPENDIX TO PART 382—DELEGATIONS OF AUTHORITY

AUTHORITY: 10 U.S.C. 133.

⁴See footnote 1 to paragraph 3 of this appendix.

⁵See footnote 1 to paragraph 3 of this appendix.

⁶See footnote 1 to paragraph 3 of this appendix.

⁷See footnote 1 to paragraph 3 of this appendix.

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SOURCE: 55 FR 49888, Dec. 3, 1990, unless otherwise noted.

§ 382.1 Purpose.

This part, pursuant to 10 U.S.C., assigns responsibilities, functions, relationships, and authorities as prescribed herein, to the Under Secretary of Defense (Acquisition) (USD(A)). This part also strengthens the ability of the USD(A) to improve the efficiency and effectiveness of DoD acquisition.

§ 382.2 Definitions.

(a) *Department of Defense Acquisition System.* A single uniform system whereby all equipment, facilities, and services are planned, designed, developed, acquired, maintained, and disposed of within the Department of Defense. The system encompasses establishing and enforcing policies and practices that govern acquisitions, to include documenting mission needs and establishing performance goals and baselines; determining and prioritizing resource requirements for acquisition programs; planning and executing acquisition programs; directing and controlling the acquisition review process; developing and assessing logistics implications; contracting; monitoring the execution status of approved programs; and reporting to Congress.

(b) *DoD Components.* The Office of the Secretary of Defense (OSD); the Military Departments; the Joint Chiefs of Staff (JCS); the Joint Staff; the Unified and Specified Commands; the Office of the Inspector General, Department of Defense (OIG, DoD); the Defense Agencies, to include the Strategic Defense Initiative Organization (SDIO); and DoD Field Activities.

§ 382.3 Responsibilities.

The Under Secretary of Defense for Acquisition (USD(A)) is the principal staff assistant and advisor to the Secretary of Defense for all matters relating to the DoD Acquisition System; research and development; production; logistics; command, control, communications, and intelligence activities related to acquisition; military construction; and procurement.

(a) The USD(A) shall:

(1) Serve as the Defense Acquisition Executive (DAE) with full responsi-

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bility for supervising the performance of the DoD Acquisition System and enforcing the policies and practices contained in DoD Directive 5000.1,¹ DoD Instruction 5000.2,² OMB Circular No. A-109.³

(2) Chair the Defense Acquisition Board (DAB), supported by an integrated structure of acquisition-related committees, and, pursuant to § 382.5(c) of this part, serve as signatory authority on Acquisition Decision Memoranda documenting Milestone reviews by the DAB.

(3) Serve as the DoD Procurement Executive, with responsibilities as prescribed in E.O. 12352 of March 17, 1982 (3 CFR, 1982 Comp., p. 137) and 41 U.S.C. 401-424.

(4) Chair the DoD Ethics Council, with responsibilities as prescribed in DoD Directive 5120.47⁴.

(5) Serve as the National Armaments Director and Secretary of Defense representative to the Four Power Conference.

(6) Establish and publish policies and procedures governing the operations of the DoD Acquisition System and the administrative oversight of defense contractors.

(7) Prescribe policies, in coordination with the IG, DoD, and the Comptroller of the Department of Defense (C, DoD), to ensure that audit and oversight of contractor activities are coordinated and carried out in a manner to prevent duplication by different elements of the Department. The exercise of this responsibility shall not affect the authority of the IG under the Inspector General Act of 1978.

(8) Coordinate research and development programs DoD-wide to eliminate duplication of effort and ensure that available resources are used to maximum advantage.

¹Copies may be obtained, at cost, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

²See footnote 1 to § 382.3(a)(1).

³Copies may be obtained by written request to: EOP Publications, 725 Seventeenth Street NW., Washington, DC 20503.

⁴See footnote 1 to § 382.3(a)(1).

(9) Establish policies and programs that strengthen DoD Component technology development programs, encourage technical competition and technology-driven prototyping that promise increased military capabilities, and exploit the cost-reduction potential of innovative or commercially developed technologies.

(10) Develop acquisition plans, strategies, guidance, and assessments, including affordability assessments and investment area analyses, in support of the acquisition Milestone review and Planning, Programming, and Budgeting System (PPBS) processes.

(11) Administer the Defense Acquisition Executive Summary (DAES) and Cost/Schedule Control System Criteria (C/SCSC) systems.

(12) Designate major defense acquisition programs as either DAB or Component programs, sign congressional certifications and reports to include Milestone authorization breaches, administer the Selected Acquisition Report (SAR) and Unit Cost Report (UCS) systems, and exercise the other specific authorities provided for in the delegations of authority contained in appendix to this part.

(13) Develop, in coordination with the Under Secretary of Defense for Policy (USD(P)), memoranda of agreements and memoranda of understandings with friendly and Allied Nations relating to acquisition matters.

(14) Establish policies for maintenance of the defense industrial base.

(15) Supervise the management and performance of the Strategic and Critical Defense Materials Program pursuant to E.O. 12626 of February 25, 1988 (3 CFR, 1988 Comp., p. 552).

(16) Establish policies, in coordination with the Assistant Secretary of Defense (Force Management and Personnel) (ASD(FM&P)), for the training and career development of acquisition personnel.

(17) Advise the Secretary of Defense and the Deputy Secretary of Defense on technical and programmatic issues arising in Defense Planning and Resources Boards matters.

(b) For each assigned area identified in § 382.4, the USD(A) shall:

(1) Direct planning and analyses activities to assess the technical, economic,

and military worth of specific acquisition programs and investment areas.

(2) Establish policies, systems, and standards that promote more effective and efficient administration and management of acquisition resources, and monitor the execution of approved programs to ensure available resources are being applied in accordance with established policies and standards.

(3) Review and evaluate DoD Component plans, programs, and budget submissions to ensure adherence to established priorities, policies and procedures, standards, and resource guidance; and, as appropriate, develop recommended alternatives for Secretary and Deputy Secretary of Defense consideration during all phases of the PPBS process.

(4) Promote coordination, cooperation, and mutual understanding of all matters related to assigned activities, both inside and outside the Department of Defense.

(5) Serve as primary focal point and principal spokesman for the Department of Defense; serve on boards, committees, and other groups pertaining to assigned functional areas; and represent the Secretary of Defense and the Deputy Secretary of Defense on USD(A) matters outside the Department of Defense.

(6) Establish and maintain management information and reporting systems.

(7) Perform such other duties as the Secretary or Deputy Secretary of Defense may prescribe.

§ 382.4 Functions.

The USD(A) shall carry out the responsibilities described in § 382.3, for the following functional areas:

- (a) Acquisition management.
- (b) Basic and applied research and the defense technology base.
- (c) Design and engineering, and the development of weapon systems.
- (d) Command, control, communications, and intelligence programs, systems, and activities related to acquisition.
- (e) Logistics acquisition and management, to include supply systems, spares program management, weapons systems logistics elements, items

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standardization, transportation, energy, warehousing, distribution, and related activities.

(f) Procurement activities.

(g) Scientific and technical information.

(h) Production and manufacturing.

(i) Industrial base resources and productivity.

(j) Force modernization and sustainability and the availability of fielded major weapons systems.

(k) Developmental test and evaluation, as defined in DoD Directive 5000.3,⁵ and, to the extent permitted by law, review and approval of the Test and Evaluation Master Plan.

(l) Environmental policy, services, and related actions.

(m) Assignment and reassignment of research and engineering and acquisition responsibility for programs, systems, and activities.

(n) Codevelopment, coproduction, coprocurement, logistics support, wartime host-nation support, and research interchange with friendly and Allied Nations, in coordination with the USD(P).

(o) Installation management and base closures.

(p) Construction, including construction funded by host-nations under the North Atlantic Treaty Organization (NATO) Infrastructure program and similar programs with other Allied countries.

(q) Strategic and critical defense materials, to include the acquisition, retention, and disposal of stocks and the conservation and development of sources of materials.

(r) Unique acquisition matters in support of special operations and low-intensity conflict programs, systems, and activities related to acquisition, in coordination with the Under Secretary of Defense for Policy.

§ 382.5 Authorities and relationships.

(a) The USD(A) shall take precedence in the Department of Defense on acquisition matters after the Secretary and Deputy Secretary of Defense. On all other matters, the USD(A) shall take precedence after the Secretary and Deputy Secretary of Defense and the

Secretaries of the Military Departments.

(b) The USD(A) is hereby granted the authority to direct the Secretaries of the Military Departments and Heads of all other DoD Components with respect to matters for which the USD(A) has responsibility. In this regard, the USD(A) shall strictly enforce the minimum established requirements in DoD Directive 5000.1 and the documentation requirements and procedures in DoD Instruction 5000.2. The authority of the USD(A) to direct the Secretaries of the Military Departments may not be delegated by the USD(A).

(c) The USD(A) shall decide upon the appropriate implementing actions to be taken as a result of DAB reviews, to include the establishment of specific exit criteria that must be satisfactorily demonstrated before an effect or program can progress to the next Milestone decision point. The USD(A)'s decisions shall be reflected in an Acquisition Decision Memorandum (ADM) issued by the USD(A) for implementation by the Heads of DoD Components. The authority of the USD(A) under this paragraph may not be delegated by the USD(A).

(d) The USD(A) may direct the C, DoD to withhold the release of funds to a program at the time of a DAB Milestone review of the program, when the USD(A) determines that such direction is necessary to ensure that the program meets the criteria established by DoD Directives for existing the Milestone and all additional exist criteria for the program established by the Secretary, Deputy Secretary or Under Secretary for Acquisition. USD(A) may not delegate the authority granted by this paragraph to anyone other than the Deputy USD(A).

(e) In the performance of assigned functions, the USD(A) shall:

(1) Exercise direction, authority, and control over the following activities and organizations that constitute the USD(A) organization (The reporting relationships of these activities and organizations with regard to the USD(A), e.g., direct or indirect, shall be at the discretion of the USD(A)):

(i) The Director of Defense Research and Engineering.

⁵ See footnote 1 to § 382.3(a)(1).

(ii) The Assistant Secretary of Defense (Production and Logistics).

(iii) Acquisition-related activities of the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence.

(iv) The Assistant to the Secretary of Defense (Atomic Energy).

(v) The Deputy Under Secretary (Industrial and International Programs).

(vi) The Director of Small and Disadvantaged Business Utilization.

(vii) The Director, Program Integration.

(viii) The Defense Advanced Research Projects Agency, the Defense Communications Agency, the Defense Logistics Agency, the Defense Mapping Agency, the Defense Nuclear Agency, the Defense Contract Management Agency, the Defense Systems Management College, and the On-Site Inspection Agency.

(2) Provide technical guidance for utilization of the Electromagnetic Compatibility Analysis Center.

(3) Provide policy guidance, goal setting, and management supervision for assigned Management Support Activities, and utilization of Federally Funded Research and Development Centers (FFRDCs).

(4) Use existing facilities and services of the Department of Defense and other Federal Agencies, whenever practicable, to avoid duplication and to achieve an appropriate balance among modernization, readiness, sustainability, efficiency, and economy.

(f) The USD(A) shall also:

(1) Issue DoD Instructions, DoD publications, and one-time directive-type memoranda, consistent with DoD 5025.1M,⁶ that implement acquisition policies and procedures for the functions assigned to the USD(A). Instructions to Unified and Specified Commands shall be issued through the Chairman of the Joint Chiefs of Staff (CJCS).

(2) Obtain reports, information, advice, and assistance, consistent with DoD Directive 7750.5,⁷ as necessary in carrying out assigned functions.

(3) Communicate directly with the Heads of DoD Components. Commu-

nications to Commanders of the Unified and Specified Commands shall be through the CJCS.

(4) Establish arrangements for DoD participation in non-defense governmental programs for which the USD(A) is assigned primary DoD cognizance.

(5) Communicate with other Government Agencies, representatives of legislative branch, and members of the public, as appropriate, in carrying out assigned functions.

(6) Coordinate with and exchange information with other OSD officials exercising collateral or related responsibilities.

(7) Exercise the delegations of authority contained in appendix to this part.

(8) Work directly with the Service Acquisition Executives.

(g) Other OSD officials and Heads of Components shall coordinate with the USD(A) on all matters related to authorities, responsibilities, and functions assigned in this part.

(h) In the absence or disability of the USD(A), the Acting USD(A) may exercise all authorities of the USD(A).

(i) Nothing in this part or the Delegations of Authority to the USD(A) limits or otherwise affects delegations of authority by the Secretary of Defense to the Deputy Secretary of Defense.

APPENDIX TO PART 382—DELEGATIONS OF AUTHORITY

Pursuant to the authority vested in the Secretary of Defense, and subject to his direction, authority, and control, and in accordance with DoD policies, Directives, and Instructions, the USD(A) is hereby delegated authority to exercise, within his assigned responsibilities and functional areas, all authority of the Secretary of Defense derived from statute, Executive order, authority of the Secretary of Defense derived from statute, Executive order, and interagency agreement, except where specifically limited by statute or Executive order to the Secretary of Defense, to include but not limited to:

1. Exercise all authorities delegated to the Secretary of Defense by the Department of Commerce DPAS Del. No. 1, as amended (DoD Directive 4405.6¹).

2. Act for the Secretary of Defense in the exercise of extraordinary contractual action

⁶See footnote 1 to §382.3(a)(1).

⁷See footnote 1 to §382.3(a)(1).

¹Copies may be obtained, at cost, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

authority under Public Law 85–804—an Act to authorize the making, amendment, and modification of contracts to facilitate the national defense, August 28, 1958, in accordance with E.O. 10789, November 14, 1958, as amended, and part 50 of the Federal Acquisition Regulation.

3. Make Secretarial determinations, justifications, and approvals on behalf of the Defense Advanced Research Projects Agency (DARPA), Defense Communications Agency (DCA), Defense Contract Management Agency (DCMA), Defense Logistics Agency (DLA), Defense Mapping Agency (DMA), and the Defense Nuclear Agency (DNA) under Title 10, United States Code, with authority to redelegate to the Directors of those Agencies, as appropriate.

4. Act for the Secretary of Defense in the establishment and granting of waivers under the Buy American Act (41 U.S.C. 10a–10b).

5. Act for the Secretary of Defense on delegations of authority to him by the U.S. Trade Representative to waive the prohibition against procurement from certain countries, pursuant to title 3, Public Law 96–39, Trade Agreements Act of 1979 (19 U.S.C. 2511 et seq.), and E.O. 12260, July 26, 1979.

6. Act for the Secretary of Defense in exercise of authority delegated by the Administrator of General Services to dispose of surplus personal property and to waive prescribed demilitarization requirements under DoD Directive 4160.21.²

7. Make determinations with respect to the donation of surplus personal property to educational activities of special interest to the Armed Forces of the United States as prescribed in DoD Directive 4160.25.³

8. Act for, and exercise the powers of, the Secretary of Defense concerning requests for waiver of the navigation and vessel inspection laws of the United States under Public Law 891, 81st Congress, 2nd Session, December 27, 1950 (64 Stat. 1120), except on those matters that have been delegated by the Secretary of Defense to the Secretary of the Army.

9. Make recommendations to the Department of Energy in connection with facilities for transmission of electric energy and natural gas across borders of the United States, pursuant to the authority given the Secretary of Defense in E.O. 10485, September 3, 1953, as amended by E.O. 12038, February 3, 1978.

10. Act for the Secretary of Defense in the field of transportation and traffic management under section 201(a), title 11, of the Federal Property and Administrative Serv-

ices Act of 1949, as amended (50 U.S.C. 481(a)) (DoD Directive 5126.9⁴).

11. Act for the Secretary of Defense as the DoD claimant to other designated Executive Departments and Agencies for petroleum requirements and allocations in an emergency (DoD Directive 4140.25⁵).

12. Exercise all responsibilities and authorities of the Secretary of Defense under title 10, United States Code, section 2404, with respect to the acquisition of petroleum.

13. Act for the Secretary of Defense in the implementation of OMB Circular No. A-109, "Major System Acquisitions," April 5, 1976.

14. Make the determination required by title 50, United States Code, section 1512(l), concerning transportation or testing of any lethal chemical or any biological warfare agent.

15. Act for the Secretary of Defense for ensuring compliance with Public Law 92–463, the Federal Advisory Committee Act (5 U.S.C. appendix), and make written determinations for conduct of all closed meetings of Federal Advisory Committees under his cognizance as prescribed by section 10(d) of the Act (5 U.S.C. appendix, 10(d)).

16. Act for the Secretary of Defense as the primary OSD interface with the Defense Policy Advisory Committee on Trade.

17. Act for the Secretary to make appropriate supporting determinations and execute leases under title 10, United States Code, section 2667.

18. Act for the Secretary of Defense in the implementation of OMB Circular A–76,⁶ "Performance of Commercial Activities," as revised, August 4, 1983.

19. With the exception of the determination of highly sensitive classified programs, which is retained by the Secretary of Defense, exercise the responsibilities and authorities of the Secretary of Defense to designate major defense acquisition programs, as defined in title 10, United States Code, section 2430.

20. Act for the Secretary of Defense in preparing and revising an acquisition strategy plan for a major program throughout the period from the beginning of Full-Scale Development through the end of production under section 2438, subsection (a) of title 10, United States Code, and in making the prescribed congressional submissions. This delegation of authority may not be redelegated.

21. Act for the Secretary of Defense in making determinations and waivers, and in submitting waivers of requirements for competitive alternate sources with respect to

⁴See footnote 1 to paragraph 1. of this appendix.

⁵See footnote 1 to paragraph 1. of this appendix.

⁶Copies may be obtained by written request to: EOP Publications, 725 Seventeenth Street NW., Washington, DC 20503.

²See footnote 1 to paragraph 1. of this appendix.

³See footnote 1 to paragraph 1. of this appendix.

Full-Scale Development and with respect to production for major programs under section 2438, subsection (c) of title 10, United States Code. This delegation of authority may not be redelegated.

22. Act for the Secretary of Defense in providing to the Committees on Appropriations, before funds are expended for Full-Scale Development, a plan for the development of two or more sources in production or a certification that the system or subsystem being developed will be procured in quantities insufficient to justify two or more sources under section 8057 of Public Law 100-202, section 8047 of Public Law 100-463, and identical provisions in subsequent statutes making appropriations to the Department of Defense. This delegation of authority may not be redelegated.

23. Act for the Secretary of Defense in making certifications, providing reports, and approving waivers for major defense acquisition programs required by title 10, United States Code. This authority includes, but is not limited to, the following:

- a. Submission of notification and report that a competitive prototype strategy is not practicable (Section 2365).
- b. Make waivers and notify Congress of each waiver for the acquisition of defense equipment under cooperative projects and report on the award of cooperative contracts (Section 2407). This authority may not be redelegated.
- c. Submit Selected Acquisition Reports (Section 2432).
- d. Make and submit certifications required for Unit Cost Reports (Section 2433).
- e. Submit Manpower Estimate Reports (Section 2434).
- f. Provide the notifications for program deviations for milestone-authorized programs (Section 2437).

24. Exercise all authorities delegated to the Secretary of Defense by E.O. 12580, January 23, 1987, concerning responses to releases of hazardous substances for Department of Defense facilities and vessels under Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601, *et seq.*) as amended by the Superfund Amendments and Reauthorization Act (Pub. L. 99-499, October 17, 1986).

25. Exercise all responsibilities and authority of the Secretary of Defense under 10 U.S.C. 2701-2707 and 10 U.S.C. 2810 with respect to conduct of the Defense Environmental Restoration Program.

26. Exercise the authority of the Secretary of Defense under 10 U.S.C. 2354 for the DoD Components other than the Military Departments.

27. Serve on and attend meetings of the Federal Acquisition Regulatory Council, established by section 25 of the Office of Federal Procurement Policy Act, as amended. The Deputy Under Secretary of Defense for

Acquisition shall serve in the absence of the USD(A). This authority may not be redelegated.

28. Perform the functions and responsibilities set out at section 25(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 421). The authority to review and approve or disapprove regulations relating to procurement under subsection 25(d)(1) may not be delegated to any person outside the office of the USD(A).

29. Exercise the authority of the Secretary of Defense under 10 U.S.C. 2407 with respect to NATO Cooperative Projects as defined in section 27 of the Arms Export Control Act (AECA). The authority to grant waivers as authorized in section 2407(c) may not be redelegated.

30. Exercise all responsibilities of the Secretary of Defense under Public Law 93-155, Defense Industrial Reserve Act of 1973 (50 U.S.C. 451-455) to provide a comprehensive and continuous program for the future safety and for the defense of the United States by providing adequate measures whereby an essential nucleus of Government-owned plants and industrial plant equipment is maintained to meet the needs of the Armed Forces in time of a national emergency or in anticipation thereof.

31. Act for the Secretary of Defense to establish and administer an Industrial Preparedness Program in furtherance of E.O. 12656, section 501, paragraphs (2), (11), (13), and (14), February 25, 1988, and Defense Mobilization Order VII-7 (Revised), in accordance with DoD Directive 4005.1.⁷

32. Act for the Secretary of Defense in the exercise of authority under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 *et seq.*) in accordance with E.O. 12626, February 25, 1988.

33. Act for the Secretary of Defense, under the authority of Federal Property Management Regulations, Temporary Regulation F-227, July 30, 1974, or under any other Delegation of Authority that may hereafter be made by the Administrator of General Services, to enter into contracts for public utility services for a period not to exceed 10 years.

a. This authority is hereby further delegated to the Secretaries of the Army, Navy, and Air Force with authority to redelegate, as appropriate. Exercise of this authority is subject to the direction, supervision and control of the USD(A).

b. This authority is also further delegated to the Director of the Defense Communications Agency in connection with the leasing of communications facilities, and to the Directors of the Defense Logistics Agency and Defense Nuclear Agency in connection with

⁷See footnote 1 to paragraph 1, of this appendix.

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the leasing of local telecommunications facilities and services. This authority may be redelegated as appropriate. Exercise of this authority is subject to the direction, supervision and control of the USD(A).

The USD(A) may redelegate these authorities, as appropriate, except as otherwise specifically indicated above or prohibited by law, directive or regulation.

**PART 383a—DEFENSE
COMMISSARY AGENCY (DeCA)**

Sec.

- 383a.1 Purpose.
- 383a.2 Applicability.
- 383a.3 Mission.
- 383a.4 Organization.
- 383a.5 Responsibilities and functions.
- 383a.6 Relationships.
- 383a.7 Authority.
- 383a.8 Administration.

APPENDIX TO PART 383a—DELEGATIONS OF AUTHORITY

AUTHORITY: 10 U.S.C. 136.

SOURCE: 55 FR 49279, Nov. 27, 1990, unless otherwise noted.

§ 383a.1 Purpose.

Pursuant to the authority vested in the Secretary of Defense under title 10, United States Code, this part establishes the Defense Commissary Agency (DeCA) and the Defense Commissary Board (DCB), with responsibilities, functions, and authorities as prescribed herein.

§ 383a.2 Applicability.

This part applies to the Office of the Secretary of Defense (OSD), the Military Departments; the Chairman, Joint Chiefs of Staff and Joint Staff; the Unified and Specified Commands; the Inspector General of the Department of Defense (IG, DoD); the Defense Agencies; and the DoD Field Activities (hereafter referred to collectively as “DoD Components”). The term “Military Services,” as used herein, refers to the Army, Navy, Air Force, and Marine Corps.

§ 383a.3 Mission.

(a) The mission of the DeCA is to:

(1) Provide an efficient and effective worldwide system of commissaries for the resale of groceries and household supplies at the lowest practical price (consistent with quality) to members

of the Military Services, their families, and other authorized patrons, while maintaining high standards for quality, facilities, products, and service.

(2) Provide a peacetime training environment for food supply logisticians needed in wartime and, as circumstances dictate, troop issue subsistence support to military dining facilities consistent with Service needs.

(b) The mission of the DCB is to serve as a forum for the discussion of issues about the commissary services provided by the DeCA and to make related policy recommendations to the Assistant Secretary of Defense (Production and Logistics) (ASD(P&L)).

§ 383a.4 Organization.

(a) The DeCA is established as an Agency of the Department of Defense under the direction, authority, and control of the ASD(P&L). It shall consist of a Director of such subordinate organizational elements as are established by the Director.

(b) The DCB is established as a committee reporting to the ASD (P&L). Its membership shall consist of the following:

(1) The Director, DeCA, who shall serve as Chair.

(2) A representative of the Assistant Secretary of Defense (Force Management and Personnel) (ASD(FM&P)).

(3) A representative of the Chairman, Joint Chiefs of Staff (CJCS).

(4) One military officer and one enlisted representative from each of the Military Services appointed by the Secretaries of the Military Departments.

(5) The Director, DeCA, may invite other representatives to attend DCB meetings, as appropriate.

(c) The Director shall designate an Executive Secretary for the Board.

[55 FR 49279, Nov. 27, 1990, as amended at 63 FR 33248, June 18, 1998]

§ 383a.5 Responsibilities and functions.

(a) The Director, Defense Commissary Agency (DeCA), shall:

(1) Organize, direct, and manage the DeCA and all assigned resources; procure assigned items; and administer, supervise, and control all programs and activities assigned to the DeCA.